

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiff,

– against –

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY *and* GINA
MCCARTHY, *in her official capacity as*
administrator of the United States
Environmental Protection Agency,
Defendants.

ORDER

16-cv-1251 (ER)

Ramos, D.J.:

On October 27, 2020, the Court stayed this matter pending the D.C. Circuit’s decision resolving *NRDC v. Wheeler* (Doc. 81), which Defendant U.S. Environmental Protection Agency (“EPA”) on May 12, 2023 advised was decided on May 9, 2023 (Doc. 90). At the EPA’s request, the Court extended the stay 90 days, until August 15, 2023, to allow the US to consider whether to pursue further review of *NRDC v. Wheeler*.

As the deadline for the stay has now passed, the Court directs the parties to submit a joint status update by August 31, 2023 as to how they intend to proceed in the instant case.

SO ORDERED.

Dated: August 25, 2023
New York, New York



Edgardo Ramos, U.S.D.J.